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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THERESA ENGLISH,

Plaintiff,

vs.

THE GUARDIAN LIFE INSURANCE
COMPANY OF AMERICA,

Defendant.

CASE NO.: 2:23-cv-00231-CDS-EJY

**JOINT STIPULATION REGARDING
SETTLEMENT AND ~~PROPOSED~~
SCHEDULING ORDER**

Plaintiff THERESA ENGLISH ("Plaintiff" or "English") and Defendant THE
GUARDIAN LIFE INSURANCE COMPANY OF AMERICA ("The Guardian"), by and through
their counsel of record hereby submit this Stipulation Regarding Settlement and (Proposed)

1 Scheduling Order, and hereby respectfully request that the Court (1) approve this joint stipulation
2 notifying the Court of the parties' settlement in principle; and (2) enter the Proposed Order
3 vacating the remaining deadlines and entering a schedule for briefs through which the Court will
4 decide Plaintiff's entitlement to attorney fees and costs related to the parties' pending settlement,
5 if that is necessary.

6 The parties jointly stipulate to the following:

7 1. This lawsuit involves claims for relief under ERISA Section 502(a)(1) and (3), 29
8 U.S.C. § 1132(a)(1) and (3). Plaintiff seeks relief related to the termination of her claim for long-
9 term disability ("LTD") benefits through her participation in an employee welfare benefit plan
10 and related claims.

11 2. The parties have agreed to settle the case in principle subject to execution of a
12 settlement agreement and to negotiate and agree upon fees and costs to be paid to Plaintiff's
13 attorney by Defendant The Guardian.

14 3. To arrive at a final settlement and resolution of this matter, the parties have
15 agreed, pending Court approval, if negotiations between the parties cannot resolve that issue to
16 allow the Court to decide the issue of the amount of fees and costs to be paid by The Guardian to
17 Plaintiff's attorney, based on briefs that the parties will submit.

18 4. The parties have agreed to vacate the currently scheduled deadlines, as set forth in
19 the accompanying Proposed Order.

20 5. The parties have agreed to a schedule for the submission of briefs related to the
21 possible remaining issue of the amount of attorney's fees and costs, if they cannot agree upon the
22 amount of fees and costs to be paid by The Guardian to Plaintiff's attorney.

23 6. Accordingly, the parties agree and jointly request that the Court enter the
24 accompanying Proposed Order vacating the currently scheduled deadlines in this matter and
25 setting a schedule for the submission of briefs to the Court for the Court to decide the amount of
26 attorney's fees and costs to be paid by The Guardian to Plaintiff's attorney, if necessary.

27 ///

28 ///

1 DATED: September 28, 2023

/s/ Robert J. Rosati

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7 DATED: September 28, 2023

/s/ Trevor Hatfield

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12 DATED: September 28, 2023

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19 ~~**PROPOSED**~~ **ORDER**

20 Pursuant to the parties' Joint Stipulation Notifying Court of Settlement in Principle and
21 [Proposed] Order Establishing a Briefing Schedule for the Court To Decide Plaintiff's
22 Entitlement to Attorney Fees and costs,

23 **IT IS HEREBY ORDERED:**

- 24 1. The currently scheduled deadlines in this matter are hereby vacated.
- 25 2. Should the parties be unable to reach an agreement regarding attorney's fees and
26 costs to be paid by The Guardian to Plaintiff's attorney, the parties will submit briefs to the Court
27 for the Court to decide the amount of attorney fees and costs Plaintiff's attorney is to be paid by
28 Defendant Guardian as follows:

1 a. Plaintiff shall submit her initial brief with supporting evidence no later
2 than October 21, 2023.

3 b. Defendants shall submit their response no later than November 14, 2023.

4 c. Plaintiff shall submit any reply brief no later than November 21, 2023.

5 **IT IS SO ORDERED.**

6 Dated: September 28, 2023.

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8 **HONORABLE ELAYNA Y. YOUCHAH**
9 **UNITED STATES MAGISTRATE JUDGE**